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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 FREDRICK J. LEAVITT and
17 DUSTIN M. LEWIS,

18 Defendants.

Case No. 2:17-cr-0391-APG-VCF

**MEMORANDUM – LETTER OF
SUPPORT FROM JANEL BRAWNER
POTUCEK**

20 In advance of today's sentencing hearing in this matter, Defendant Fredrick J. Leavitt,
21 hereby submits the attached letter of support from Janel Brawner Potucek, his former supervisor
22 at the Bureau of Reclamation. See Exhibit A.
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Respectfully submitted,

/s/ *Thomas F. Pitaro*

/s/ *Paul S. Padda*

Thomas F. Pitaro, Esq.
Paul S. Padda, Esq.

Counsel for Fredrick J. Leavitt

Dated: April 11, 2022

CERTIFICATE OF SERVICE

Pursuant to both the Federal Rules of Criminal Procedure and the Court's Local Rules, the undersigned hereby certifies that on this day, April 11, 2022, a copy of the foregoing document was served upon all registered parties and their counsel through the Court's electronic filing system (CM/ECF).

/s/ *Paul S. Padda*

Paul S. Padda, Esq.

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April 11, 2022

The Honorable Andrew P. Gordon
United States District Court Judge
District of Nevada (Las Vegas)

RE: USA v. Leavitt, et al
217-cr-00391-APG

Dear Judge:

The purpose of this letter is to express my support for my former colleague Fredrick J. Leavitt (Rick) and to respectfully request leniency at his upcoming sentencing. I met Rick around 1996 when I was hired as the Labor Relations Officer for the Lower Colorado Region (LC), Bureau of Reclamation (BOR), located in Boulder City, Nevada. From 2009 through 2013, I supervised Rick when he was the Financial Management Officer and I was the Assistant Regional Director, for the LC BOR.

I first observed Rick in 1996, while he was receiving an award in an All Employee meeting. The award was to recognize his development of an automated report derived from Reclamation's financial management system, referred to as FINIAN. This was a huge endeavor with Reclamation-wide impact. As I watched this young man receive this award, I was struck by his humility and graciousness. He was given a rolling brief case which I believed hardly seemed commensurate with the impact this project had on the many internal Reclamation customers. I witnessed his genuine appreciation for this recognition. I walked away from this meeting thinking that I should re-evaluate my own standards concerning humility, gratitude and appreciation.

As Assistant Regional Director, I provided leadership to senior managers directing and controlling all administrative programs for the LC BOR. These programs included Budget and Finance, Human Resources, Acquisitions and Procurement, Public Affairs, Security, EEO, Property Management, Information Technology, and Sustainable Environmental Management Systems. At this level of management, you may consider yourself a jack of many trades, but master of very few. Given the diversity of these programs, it was absolutely imperative that I trust each of these senior leaders in terms of their performance and conduct. Leading up to this assignment in 2009, I had interacted with Rick and witnessed a number of another senior leaders' interaction with Rick. I witnessed respect for his knowledge, dedication to the work and the organization, and the high degree of trust placed in him. When I became Rick's supervisor and we established a closer working relationship, I almost immediately recognized these valuable traits. Rick earned my respect and trust early on as his supervisor. He introduced me to the phrase, "in the interest of full disclosure." I quickly learned this was his way of paving the

USA v. Leavitt, et al
217-cr-00391-APG
Judge Andrew Gordon

ground for bad news. I found Rick to be the most forthcoming of the many managers I had supervised over the years, even when he was delivering bad news. I never had to pry information from or interrogate him to get the full scope and impact of the matter. He was always willing to accept his fair share of responsibility and always had solutions in mind.

We worked on many complicated, politically charged, and sensitive situations inherent in managing an over-allocated water supply, mediating Native American/Indian rights, and operating and maintaining aging hydro-electric power operations impacting over 30 million people. I witnessed Rick always putting the interest of the government first and foremost. This at times put us at odds with our customers. I witnessed the major customers' respect for and trust in Rick, even though they may have had professional differences.

On a personal note, I maintained a friendship with Rick and his family after I retired in 2013. He has been a highly successful individual, productive member of society, strong family-man and a good friend to many. He has raised three competent and successful children. He has a reputation of always being willing to help others. Rick had a very rough childhood born into a family with little good parenting. Luckily, he was adopted by the Leavitt family who accepted and loved him. It has been my observation that Rick is motivated by acceptance, love, respect and trust by others and not money.

In summary, I am very surprised that Rick is involved in this situation. The charges as I understand them are out of character for the Rick I know. However, I recognize that even the best of us make mistakes and poor decisions -- hindsight is 20/20. The Rick I know would be willing to accept responsibility for his actions and develop a plan to resolve this legal action. I sense that he is anxious to take those actions to once again become a productive member of society for his family, friends and for himself.

Thank you, Your Honor, for taking my thoughts under consideration. I plan to maintain my friendship with Rick and his family and provide support where I can.

Respectfully,

/s/

Janel Brawner Potucek